

PCT/NZ2004/000298

REC'D 28 DEC 2004

WIPO PCT

## CERTIFICATE

This certificate is issued in support of an application for Patent registration in a country outside New Zealand pursuant to the Patents Act 1953 and the Regulations thereunder.

I hereby certify that annexed is a true copy of the Provisional Specification as filed on 10 March 2004 with an application for Letters Patent number 531676 made by Richard John Upshire.

I further certify that pursuant to a claim under Section 24(1) of the Patents Act 1953, a direction was given that the application proceed in the name of World Wide Wine Limited.

Dated 14 December 2004.



Neville Harris  
Commissioner of Patents, Trade Marks and Designs

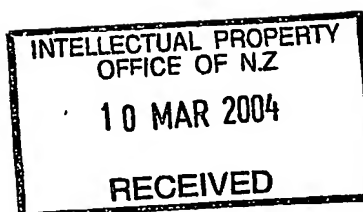


**PRIORITY DOCUMENT**  
SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH  
RULE 17.1(a) OR (b)

**BEST AVAILABLE COPY**

53 16 7 6

Patents Form # 4



**NEW ZEALAND**

**Patents Act 1953**

**PROVISIONAL SPECIFICATION**

**Title: Improvements to Bottle Capsules and Labels**

I, ***Upshire, Richard John,***

Nationality: ***A New Zealand citizen***

Address: ***106a Gowing Drive, Meadowbank, Auckland, New Zealand,***

do hereby declare this invention to be described in the following statement:

## FIELD OF THE INVENTION

The present invention relates to improvements to bottle capsules and/or labels, in particular but not exclusively to improvements to bottle capsules used on wine bottles.

## BACKGROUND ART KNOWN TO THE APPLICANT

5 The metal or plastics "capsule" or cover that wraps around the business end of a wine or champagne bottle was originally designed to protect a cork from the actions of burrowing insects and mice that would normally have been found in a wine cellar. Originally the capsule was made of lead foil but safety fears about lead itself meant that by the 1990s, this metal was no longer used.

10 The cost of using or otherwise developing other metals or metal alloys for the same purpose prompted the development of capsules made from other materials which in turn, has lead to the development and wide spread use of the present day coloured (or indeed clear) plastics capsules whose function is now generally regarded as purely decorative.

In modern wine bottles, only the head of the capsule is routinely removed and thrown away.  
15 This is carried out by cutting the capsule head with a blade (usually by running the blade around the neck of the bottle) and then levering off the head with the blade to expose the cork.

It is often the case that individuals drinking champagne or wine (especially if they have enjoyed it) want to recall the name of the bottle for future reference. Unfortunately, unless  
20 someone has the presence of mind to write down the relevant details of the bottle somewhere and to then keep the details safe, until they are required, this information is usually lost with the passage of time.

Usually, this problem is solved by ripping off the wine or champagne bottle label or keeping the cork. However, these solutions are themselves fraught with difficulties as the labels tend  
25 to be very well glued to the bottle, making their removal very difficult and the corks are usually too bulky to be kept for long periods.

It is an object of the present invention to attempt to alleviate this problem or to at least provide the public with a useful choice.

## STATEMENTS OF THE INVENTION

According to the present invention in its broadest aspect, there is provided a bottle capsule or label incorporating a tag, whereon at least information for the identification of a bottle that the capsule is to be fitted is applied, wherein the tag and capsule or label are so arranged that  
5 separation of the tag from the capsule to form two disconnected sections enables at least a portion of the capsule to be displaced or removed from a bottle that the capsule or label that has been fitted to whilst the tag retains all of said information.

This tends to alleviate the problem as outlined above as the tag is designed to be easily separable from the rest of the capsule or label and the tag once removed is discreet and may  
10 be contained in a wallet until required later.

The tag may contain the following information, the name of the wine, a website address for more information, and/or a telephone number. Alternatively, it simply contain, a text number or letter code that if tapped in on a mobile phone and sent, will be received by an SMS key word/number server, that will then automatically re-send to that mobile phone, full details of  
15 the wine ; as an example, as well as details of a competition to enter.

The information may be located on the exposed exterior surface of the tag so that it can be seen at all times, or it can be located on the opposing surface of the tag and only seen once the tag has been separated from the rest of the capsule or label. Alternatively, rather like a  
20 "stick of rock", the information may be contained throughout the thickness of the tag, thus alleviating the possibility that the information may be "rubbed off" accidentally.

The material used to make the bottle capsule is not usually inherently able to accept ink in the form of printed matter, thus the information that needs to be present on the tag may need to be first printed onto a material capable of accepting the ink or a number of inks that may be different in colour (for example, a plastics material, the type of which will be known to  
25 the person skilled in the art and need not be discussed further in this specification). Subsequently, the plastics material will need to be fitted to the tag of the bottle capsule by heat welding or gluing. Such a process could involve machine cutting strips of the pre-printed plastics material and gluing the strip onto (for example) the side of the bottle capsule forming material that becomes the internal finished surface of the bottle capsule.

Preferably the tag is incorporated into the bottle capsule. More preferably, the tag is provided with a material containing pre-printed matter.

More preferably, the material contains pre printed matter in the form of a text message.

For the avoidance of doubt the tag could be located on the wine bottle label

- 5 Of course, there are several ways in which a capsule may incorporate a tag. The tag may be integrally formed as part of a body of the capsule and separable therefrom via for example a number of frangible sections in the form of a serration or line of weakness in the capsule. The capsule may incorporate the tag simply by contact and be retained in place on the capsule via for example, the capsule possessing a number of eyes through which the tag
- 10 passes. If the eyes were linked to a pair of circumferential parallel lines of weakness in the capsule, removal of the tag would cause the lines of weakness to separate from the body of the capsule. Another way of incorporating the tag to the capsule could be by fixing the one to the other by for example glue, to form an integrally assembled tag and capsule.

Preferably, the tag is integrally formed or integrally assembled with the capsule.

- 15 Preferably, the arrangement to separate the tag from the remainder of the capsule is through the use of a number of frangible sections, wherein a number of additional frangible sections not parallel with the tag-capsule frangible sections also exist to aid the complete removal of the capsule from a bottle to which the capsule has been fitted.

- Both types of frangible section may be of the same type or they may be different, however,
- 20 more preferably still, the tag-capsule frangible sections are similar to the other frangible sections.

- Separation of the tag from the rest of the capsule may be through a spiral or circular action (either of which may or may not completely circumnavigate the bottle that the capsule is fitted to) substantially depending on the arrangement of the frangible sections. Alternatively,
- 25 separation of the tag from the rest of the capsule may be through a substantially linear action.

The tag itself may be formed from the same material as the capsule or it may be formed from (or incorporate) another type of material. For example, one may be formed from plastics material whereas the other may be metallic. On the other hand, the tag may be metallic

sheathed in plastics material. The tag may be magnetised to enable it to act as a "fridge magnet" especially if it is formed from more than one material.

Preferably, the tag is formed from at least the same material as the capsule.

5 The length of the tag may be greater than the largest circumference swept out by the capsule when fitted to the bottle. In such an arrangement, the tag would terminate at one end with a freely accessible projecting tongue that could be gripped by an individual when attempting to separate the tag from the rest of the capsule. The length of the tag may be substantially the same as the smallest circumference swept out by the capsule when fitted to the bottle. The length of the tag may be smaller than the smallest circumference swept out by the capsule  
10 when fitted to a bottle.

In each of the other two arrangements described above, a tongue may or may not be present. If a tongue is not present, then it may be necessary to "pick" at one end of the tag with an instrument to peel part of the tag away to generate a tongue.

15 In any of these arrangements, the frangible sections of the capsule would be so configured as to allow for either the complete removal of the capsule from the bottle that it had been fitted to or the removal or displacement of a portion of the capsule (for example to expose the cork), once the tag had been removed. Preferably, removal of the tag results in the automatic removal of the entire capsule from a bottle that the capsule has been fitted to.

20 Throughout this specification the word "displacement" and variations of that word, such as "displaces" and "displaced"," when applied to a bottle capsule is to be understood as referring to a portion of the bottle capsule that is so configured on removal of the tag as to cause the exposure of the cork, without the total, complete and severable removal of the cork covering portion of the bottle capsule. In other words, the original cork-covering portion of the bottle capsule would still be attached to the rest of the bottle capsule

25 Preferably the tag when the bottle capsule is fitted to a bottle, is located above the bottle flange.

The invention includes within its scope a bottle capsule substantially as herein described with reference to and as illustrated in figure 1 of the accompanying drawing.

The invention further includes within its scope a bottle (preferably a wine or champagne bottle) incorporating a bottle capsule as specified herein.

### **BRIEF DESCRIPTION OF THE DRAWING**

Preferred embodiments of the present invention will now be more particularly described by way of example only, with reference to the accompanying drawings in which:

Figure 1 illustrates a partial side view of a wine bottle incorporating a bottle capsule of the present invention.

### **DESCRIPTION OF THE PREFERRED EMBODIMENT**

Figure 1 illustrates a wine bottle 2 with a flange 9, fitted with a bottle capsule 3 of the present invention and is generally referenced 1.

The bottle capsule 3 comprises a head that overlies a cork (not illustrated) of the wine bottle 2 and a skirt integral with the head that surrounds the top portion of the neck of the wine bottle 2. The bottle capsule 3 is formed completely from plastics material and incorporates an integrally formed tag 4 that is defined by a finger actuatable projecting tongue 5. Parallel with and in the same plane as the tongue 5 where it meets the wine bottle 2, the tag 4 is further defined by the distance separating a pair of substantially parallel frangible serrations 6. This distance is substantially equal to the width of the tongue 5. The pair of serrations 6 completely surround the wine bottle 2 and the circumferential path swept out by the frangible serrations 6 is substantially orthogonal to the longitudinal axis of the wine bottle 2. Thus, the tag length is equal to the circumferential path enclosed by the frangible serrations 6 and the tongue 5.

A pair of curved frangible serrations 7 extend upwardly and away from each other in an arc from the base of the skirt where they meet and each terminate at different points along the lower (of the pair) of the frangible serrations 6. A similar pair of frangible serrations 8 extending from the start of the head of the bottle capsule 3 (were they meet) extend downwardly and away from each other and each terminate at different points along the upper (of the pair) of the frangible serrations 6.

The name of the bottle of wine 2 together with the website of the wine maker is printed on the exterior visible surface of tag 4 between the upper and lower frangible serrations 6.

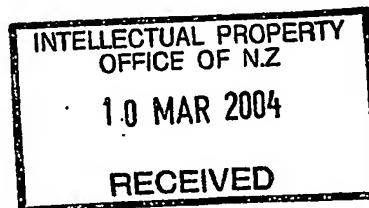
5 In operation, an individual will place his or her finger and thumb on the tongue 5 gripping it tightly and pulling the tongue 5 in a generally circular action within the parallel planes swept out by the pair of frangible serrations 6. This action will break the frangible serrations 6 and in so doing, will allow the tag 4 of the bottle capsule 3 to be separated completely in one piece from the rest of the bottle capsule 3. The tag 4 containing the information about the wine bottle 2 can then be kept by the individual in a wallet for future reference. In the  
10 meantime, a nail of the individual can now be pressed against the neck of the wine bottle 2 exposed by the removal of the tag 4 and slid downwardly between the upper terminating points of the frangible serrations 7. This action breaks the frangible serrations 7 allowing this portion of the bottle capsule 3 to be removed (if required). A similar action in a generally upwardly direction will break the frangible serrations 8 to expose the cork of the wine bottle 2.

15 The type of plastics material that the capsule body 3 can be formed from may be selected without further inventive thought by the intended skilled addressee of this specification.

Throughout the description and claims of this specification the word "comprise" and variations of that word, such as "comprises" and "comprising", are not intended to exclude other additives, components, integers or steps.

20

*Evelyn Boyd*  
PIPERS  
Attorneys for the Applicant





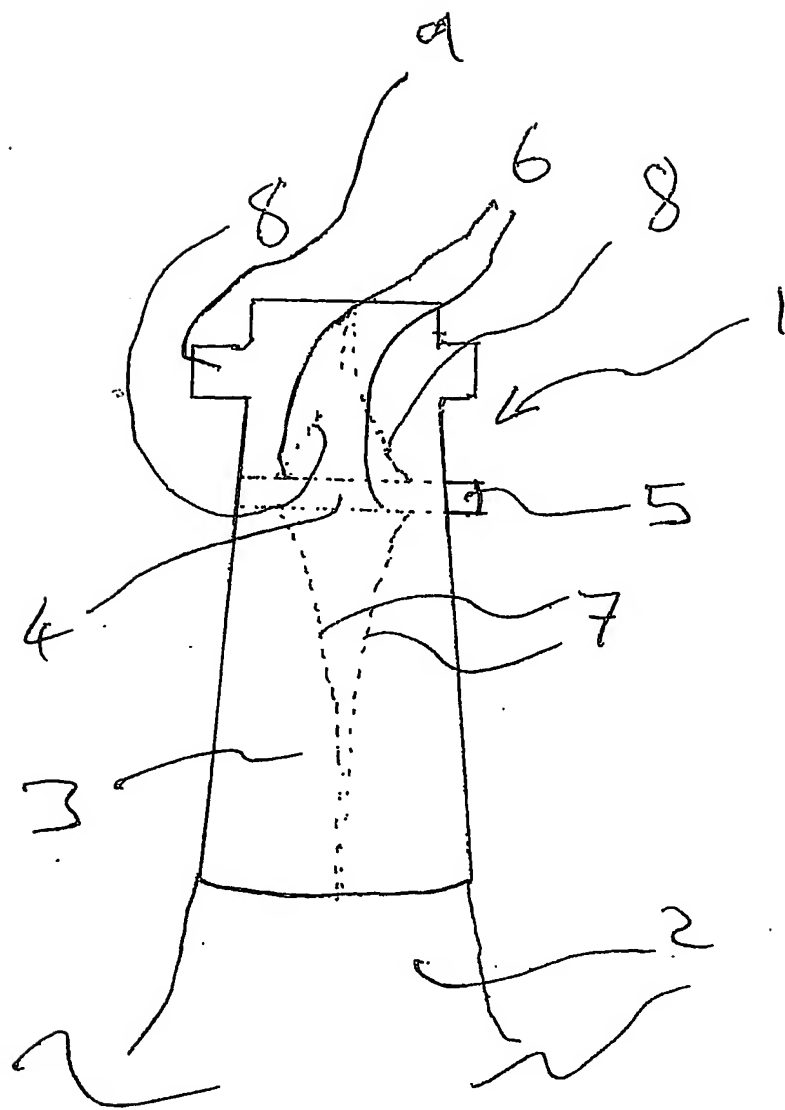


Fig 1

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record.**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☒ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**